

No. 03-1690

PER CURIAM.

Missouri inmate Christopher Prosser appeals the district court's adverse grant of summary judgment in this failure-to-protect action arising from a June 1997 assault on Prosser by two inmates at the Crossroads Correctional Center. Having carefully reviewed the record at this stage in the proceedings in the light most favorable to Prosser, we conclude that genuine issues of material fact remain as to (1) whether prison employee Victor Bruhn was aware of a substantial risk of serious harm to Prosser when he recommended Prosser's release to the general population, and (2) whether corrections officers Meredith Allen and Kimberly Swindler demonstrated deliberate indifference to Prosser's safety in allowing the assailants into Prosser's housing unit dressed in combat attire, and in their alleged lack of response to the attack. We find no error, however, in the district court's dismissal of other parties, and no abuse of the district court's discretion with regard to the challenged discovery rulings, the handling of Prosser's proposed amended complaint, and the denial of Prosser's postjudgment motions. Accordingly, we affirm in part, reverse in part, and remand for further proceedings. Prosser's motion for appointment of counsel is denied, without prejudice to his refiling it in the district court.
